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REMARKS

Claims 1-12, 14, 16-22, 25-39, 41-42, 44, 46-48, 50-54 and 58-63 remain pending in the application. Claims 46, 48 and 50-54 are allowed. Claim 35 has been amended to overcome the Examiner's claim objection. Specifically, the claim has been amended to recite "an" earmold, instead of "the" earmold.

In the Office Action, Claims 11-12, 14 and 16-19 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. 4,870,688 to Voroba ("Voroba"), and Claims 44 and 47 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. 6,097,825 to Yoest *et al.* ("Yoest"). Claims 1 and 8-10 were rejected under 35 U.S.C. § 103 as being obvious over Voroba; Claims 1-10 were rejected as being obvious over U.S. 3,852,540 to Diethelm ("Diethelm") and Voroba; Claim 22 was rejected as being obvious over Voroba and U.S. 4,736,430 to Schroder ("Schroder"); Claims 20 and 21 were rejected as being obvious over Diethelm, Voroba, U.S. 2,487,038 to Baum ("Baum"), and U.S. 2,246,737 to Knudsen ("Knudsen"); and Claims 25, 27-39, 41, 42 and 58-63 were rejected as being obvious over Diethelm and Baum.

As explained on page 10 of the Office Action, ("Response to Arguments"), the Examiner primarily cites Voroba, Diethelm and Baum to allegedly "satisfy the requirement that the earmold have a removable component," as is recited in Claims 1-10 and 20-22. Applicant submits that the Examiner has not shown *prima facie* obviousness for any of these claims, since none of the references teach the critical feature of a removable earmold having a specified hearing aid component, or components, non-removably integrated with the earmold. In the case of Claims 2-3 and 20, for example, the removable earmold includes an integral battery; in Claims 4-5 and 21, the earmold includes a battery and a receiver; and in Claims 6-10 and 22, the earmold includes a receiver. Accordingly, these claims are all allowable.

Claim 1 has been amended to specify that the hearing aid component that is non-removably integrated into the removable earmold comprises "at least one of a battery, a receiver, and hearing aid electronics." Thus, the Examiner's argument that a "non-electrical component," such as the "hollow rigid core 20" of Voroba could satisfy Claim 1 has been obviated. It is submitted that Claims 1 and 8-10 are allowable.

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The Examiner's rejection of Claims 11, 12, 14 and 16-19 is overcome because the Examiner failed to address the limitation that the removable "module" comprising "a shell and electronics" does not include the receiver. This aspect clearly differentiates the claimed invention from the Voroba patent. Voroba discusses an "amplification module" 101 that includes the microphone, electronics, battery, controls—i.e. the amplification module is what would conventionally be referred to as a "base unit." In addition, the receiver 70 is permanently attached to this base unit/amplification module. Voroba does not teach or suggest anything resembling the device of Claims 11, 12, 14 and 16-19, which specifies a "module" comprising "a shell and electronics," where this module is *separate from both the base unit and the receiver*, and where the module is also *removable* from both the base unit and the receiver. The idea behind this feature is to permit the hearing aid performance to be periodically improved by replacing the electronics module with a new module incorporating the latest advancements in hearing aid electronics (such as integrated circuits), without having to replace the entire hearing aid. (See Specification at page 16, line 28 to page 17, line 9). This is not taught or suggested in the cited Voroba patent, or in any of the prior art of record.. Thus, it is believed that Claims 11, 12, 14 and 16-19 are now allowable.

With respect to Claims 25, 27-39 and 41-42, contrary to the Examiner's arguments, Diethelm does not teach a "vibration isolation portion," as presently recited, or include any mention of vibration isolation for a hearing aid device. As the Examiner concedes, Diethelm does not teach a flexible tip for a hearing aid. One skilled in the art would understand that the receiver in Diethelm is mounted in a relatively inflexible, solid housing, "H." The device of Diethelm thus would not provide vibration isolation, in contrast to the flexible, mushroom shaped tip of the present claims. It would require a non-trivial re-design of the entire Diethelm hearing device to provide a hearing aid as is recited in Claims 25, 27-39 and 41-42. The secondary references the Examiner cites to support the rejection of these claims (the Baum and Huntress patents) do not even relate to in-the-ear hearing aids at all. Baum discusses an ear insert, such as a hearing-aid earphone or ear protective device, but does not relate to an in-the-ear type device having a base unit with a microphone, battery and electronics. Furthermore, Baum does not teach or suggest a vibrator isolator portion which contains the receiver, and attenuates

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vibrations from the receiver. The Huntress patent (cited on page 11 of the Office Action) is directed to an ear plug for a doctor's stethoscope. (See Abstract). Neither of these patents are directed to or relate to the problem of mechanical and acoustical feedback from a receiver in a hearing device, or suggest in any way a vibration isolation portion that is integral with a flexible hearing aid tip. The Examiner has not provided *any* evidence of a teaching, suggestion or motivation to modify Diethelm to produce a hearing aid as is presently recited. Since this feature is not is not taught or suggested in any of the cited references, it is submitted that Claims 25, 27-39 and 41-42 are all allowable.

Finally, with respect to Claims 44 and 47, the applicants maintain that the cited Yoest reference cannot anticipate or render obvious the hearing device of Claim 44 or the method of Claim 47. Claim 44 recites a base unit adapted to contain a non-replaceable component, and a potting material which pots at least a portion of the inside portion of the base unit, and wherein the material attenuates vibrations caused by the receiver. Claim 47 recites an analogous method of potting the inside of a hearing aid. The Examiner asserts that Yoest shows the "potting material" of the present claims at reference number 92a. However, Yoest actually states that 92a is "a deformable sponge-like covering or layer" that is located on the *outside* of the hearing aid housing 90. (See col. 4, lines 14-18; Fig. 4). Therefore, Yoest does not teach or suggest a potting material *inside* the base unit, nor does Yoest teach or suggest providing a potting material to attenuate vibrations from the receiver. In fact, Yoest does not even discuss vibrations from the receiver, or suggest that such vibrations can cause mechanical or acoustical feedback. It appears that Yoest provides the exterior deformable layer to increase comfort, (see col. 4, line 22-23), and does not at all teach or suggest a potting material *inside* the base unit to increase mass and attenuate vibrations from the receiver. Since Yoest fails to disclose the potting material *inside* the base unit, as presently claimed, and because Yoest only discusses a deformable layer *outside* the device for an entirely different purpose than the potting material of the present invention, it is believed that Claims 44 and 47 are allowable.

On page 11 of the Office Action, the Examiner appears to assert that the purported "potting material" of Yoest--*i.e.* the deformable sponge like covering 92a that is entirely *outside* the base unit 90 can be considered "inside the base unit" once a "ring 86" is attached to the tip of

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the base unit 90. Applicants respectfully disagree with this characterization. The "ring" would not be understood as part of the "base unit." The "base unit" is the "housing 72" that houses and protects the various internal hearing aid components. The "ring" is described as "a soft deformable ring" that "can be carried *on the housing 72*." (Emphasis added). Thus, Yoest itself teaches that the ring is not part of the base unit. And the soft, deformable sponge like covering over the base unit would certainly not be considered a "potting material" that increases the mass of the hearing aid and attenuates vibrations created by the receiver. Since this sponge-like material is outside of housing 72, it would be unable to attenuate vibrations by the receiver, which occur *inside* of the housing 72. Thus, it is believed that Claims 44 and 47 are allowable.

Information Disclosure Statement

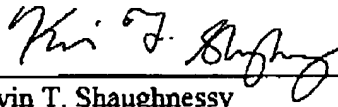
An Information Disclosure Statement (IDS) was filed on February 2, 2005. Entry of the IDS is respectfully requested.

CONCLUSION

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

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